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ABSTRACT

The statement by the President of the Jicarilla Apache Tribe emphasizes reservation problems that need to be examined. Presented at a 1972 Civil Rights Commission hearing on Indian Concerns, Velarde's statement listed employment, education, the administration of justice, water rights, and medical services as areas for investigation.. (KM)

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STATEMENT OF HUBERT VELARDE, PRESIDENT, JICARILLA APACHE TRIBE, TO  
UNITED STATES COMMISSION ON CIVIL RIGHTS AT ALBUQUERQUE CONVENTION  
CENTER - NOVEMBER 14, 1972.

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GENTLEMEN:

We are pleased to take part in these proceedings being held here in Albuquerque today and tomorrow. We believe such hearings are long overdue, as the Indian minority as an ethnic group has long been ignored in matters such as fall within the jurisdiction of your Commission. Perhaps if we had had an opportunity such as this in the past to air our grievances, the unfortunate events which took place in Washington earlier this month involving some of our Indian brothers could have been avoided. It ill behooves this great country of ours to force us, the legitimate Americans, to have to resort to such means to attract the attention of our Nation's leaders as well as the American people. Hopefully, through aggressive discussion, we can resolve some of these problems without having to endorse or encourage such unfortunate events.

We of the Jicarilla Apache have been blessed with some of the most beautiful geography in the United States. Not only is it covered with virgin forests and blessed with untold numbers of deer, elk and other wild animals, but it has been good to us in other ways. We have good forage for our cattle and our sheep and our resource income has provided us the means for a more substantial life style than many of the other Indian Tribes. However, these blessings also create disadvantages. We inhabit a very remote area in a very remote State. While we, as a people, largely enjoy this, it also can create problems - problems of communication, problems in transportation, problems in recognition.

One such problem of recognition involves representation and employment with our State Government and its agencies. For example, our reservation each year contributes very substantially to the fish and game income as well as tourist income of the State. Hundreds of hunters come into our reservation each year to hunt for trophy elk

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and deer - each buying a state hunting license and in most cases, non-resident licences. Yet, we have never had representation ex officio or otherwise on the State Fish and Game Commission. This is only one of many state agencies which are intricately involved in everyday Indian life, but which are totally lacking in Indian representation. Such representation is long overdue, and, for a state which capitalizes on its Indian population to the extent that this state does, is our due.

This is not to say that only our state government and state agencies have failed to give our problems due recognition. Only in recent years have we in Dulce had resident doctors and even more particularly only now are these doctors beginning to understand us and our medical needs.

Another area where our Federal Agencies have prejudiced our Tribe by lack of aggressive representation is in the area of water resources. Some two or three years ago, the Navajo Stream as it crosses the Jicarilla Reservation was a free-flowing stream of a magnitude that clearly would provide for our water needs for our townsite of Dulce, for our irrigation needs and for an active fishing enterprise. However, two years ago the diversion gates were closed on the Navajo and now what once was an active stream, playing a large role in our everyday lives, has become a mere trickle. The fish have died and our water supply for our community is threatened. There is no water left for irrigation. We learn that legislation was passed by the Congress of the United States some ten or twelve years ago which authorized this transmountain diversion of our water from our stream into the Rio Grande. We understand that the Department of the Interior as well as the Bureau of Indian Affairs had an active role in this legislation; but never once were we asked to identify our needs for water from the Navajo Stream - never once were we asked to testify to what our interests in this water were and are. Only at this late date, after the proverbial horse has been stolen, are we being funded for a water resources inventory and even then, are we going to be forced to again go on the attack to protect what is rightfully ours?

Another area where it appears to us our federal agencies have ignored our problems is that of law enforcement. It is a matter of law that at the present time our Tribal Courts do not have jurisdiction over non-Indians when offenses are committed within the reservation boundaries. Also, in many cases, there is a lack of jurisdiction in the State Courts. Should a non-Indian appear to violate standards of good conduct on the reservation for which our people would be punished, we are unable to obtain federal prosecution for such offences in the magistrate courts. For example, should a non-Indian appear to be drunk and disorderly on the reservation, we have no jurisdiction to prosecute that person in our Tribal Court. The Magistrate Courts of the State refuse to take jurisdiction and the Federal Courts appear to be disinterested in assisting us to enforce our laws. Under these circumstances, the Tribe has become powerless to enforce standards of good conduct which are imposed upon our Indian people, but which may be ignored by our non-Indian visitors. Such inability is difficult to explain to our Indian people and difficult for us to understand. We believe under our modern-day tribal system of government on our reservation, Congress should confer jurisdiction in our Tribal Courts to prosecute and punish when necessary those persons who are guilty of misdemeanors within the reservation boundaries.

There is another area where I feel our people have suffered indignities of person as well as pocketbook. A careful inquiry will show that in the administration of justice in Rio Arriba County, and particularly in the Courts of limited jurisdiction, the Indian citizen is treated at best as a second class citizen. The records are replete with instances wherein members of our Tribe have been charged with minor offences, traffic or otherwise, and following summary court proceedings, without opportunity for adequate defense, have had maximum punishments imposed. This is the case when the person is a first offender. Others living in the same community who are non-Apache, for the same offense, have their wrists slapped and go merrily on their

way. There is little doubt but what the jealousies of us in our community have caused these indignities to be heaped upon us and we must suffer without recourse. I would hope this Commission would make an analysis of this problem which is inherent in Rio Arriba County. These jealousies as I have referred to also pervade the attitude of the non-Indians within our community school district. Many years ago the Dulce Community integrated into the Public School system of the State of New Mexico. Through federal funds made available by the office of education of the Department of Health, Education and Welfare, a public school was built for the use of our Indian children as well as the adjacent non-Indian community. Since that time, the facilities have become inadequate and for at least the last six or seven years, both the State and local school officials identified a crying need for a new high school. This is needed<sup>not</sup>/only to provide adequate space because of increased enrollment, but to provide the facilities needed for up-to-date teaching and learning skills. Bond issues have been passed to supplement the federal funds made available, but because of the jealousies pervading the abutting non-Indian Communities, exhaustive court tests have been initiated. Every effort to implement the needed construction has been thwarted. The result has been that our children as well as all other children within the school system have suffered. Though we have sought to encourage a close spirit of cooperation in making available the necessary tools to provide for the best education for the children attending the school, we have not received any cooperation whatsoever from these neighboring communities.

I look forward to the next two days of hearings and trust that I will have something to contribute as the hearings progress. I know that we will learn much from the Indian witnesses who are appearing and I have confidence that this Commission will lend its every resource to aid us in overcoming these problems which to us have almost become a way of life.

I thank you for the opportunity to talk to you this morning and to paraphrase one of our sayings, "ONCE YOU HAVE WALKED A MILE IN OUR MOCCASINS, I AM SURE YOU WILL BETTER UNDERSTAND AND BETTER APPRECIATE OUR PROBLEMS".

THANK YOU.